

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

S. HERBERT HANDLER, M.D.  
Physician's and Surgeon's  
Certificate No. C-10477,

Respondent.

No. D-2345

L-19524

DECISION

This matter came on regularly for hearing before Robert A. Neher, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on May 19, 1980, at 9:00 a.m., and thereafter on May 20, May 21, June 12, June 26, 27 and 30, 1980, and on July 3, 1980, at various hours. William Carter and Michael Hammang, Deputy Attorneys General, represented the complainant. Respondent appeared in person and was represented by Bradley William Brunon, Attorney at Law. Documentary and oral evidence was introduced, the matter argued and submitted.

A proposed decision recommended by the Administrative Law Judge was non-adopted by the Division of Medical Quality. The Division proceeded to decide the case itself upon the record, including the transcript. The parties were afforded the opportunity to file written argument with the Division.

Having considered the matter, the Division now makes the following decision:

FINDINGS OF FACT

I

Robert Rowland made the accusation in his official capacity as the Executive Director of the Board of Medical Quality Assurance.

## II

At all times herein mentioned, respondent S. Herbert Handler, M.D., was and now is authorized to practice as a physician and surgeon in the State of California pursuant to license number C-10477. Respondent was first licensed in California on September 9, 1947. His address of record with the Board is 239 South La Cienega Boulevard, Beverly Hills, California 90211.

## III

On the dates set forth herein, respondent prescribed the following drugs, quantities, and strengths for the patients indicated:

<u>DATE</u>	<u>PATIENT</u>	<u>QUANTITY</u>	<u>MEDICATION</u>
7/21/78	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
9/21/78	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
10/17/78	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
11/14/78	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
9/21/78	David T [REDACTED] (aka David C [REDACTED])	30	Dexedrine 5 mg.
12/7/78	David T [REDACTED] (aka David C [REDACTED])	30	Dexedrine 5 mg.
9/29/78	Laura C [REDACTED] (aka Laura E [REDACTED])	20	Biphetamine 20 mg.
10/17/78	Laura C [REDACTED] (aka Laura E [REDACTED])	20	Biphetamine 20 mg.
11/14/78	Laura C [REDACTED] (aka Laura E [REDACTED])	20	Biphetamine 20 mg.
9/28/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol

10/12/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
10/26/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
11/9/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
11/16/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
11/28/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
12/12/78	Lisa V [REDACTED] (aka Toni J [REDACTED])	20	Eskatrol
12/26/78	Lisa V [REDACTED] (aka Toni J [REDACTED])	20	Eskatrol
12/26/78	Lisa V [REDACTED] (aka Toni J [REDACTED])	15	Dalmane 15 mg.

#### IV

Biphetamine, Eskatrol, Dexedrine, and Dalmane, and each of them, were and are dangerous drugs within the meaning of Business and Professions Code section 4211.

Each of the above drugs were and are Schedule II controlled substances within the meaning of Division 10 of the Health and Safety Code, except Dalmane which is a Schedule IV controlled substance therein.

Each of the above substances are drugs within the meaning of section 725 of the Business and Professions Code.

#### V

Each and all of the prescriptions set forth in Finding III were written by the respondent without medical indication therefor.

#### VI

The conduct of respondent set forth in Findings III, IV and V constitutes repeated acts of clearly excessive prescribing

of drugs as determined by the standards of the local community of licensees, as to each patient set forth in Finding III, and as to all of them.

#### VII

The preponderance of evidence failed to establish that respondent did not conduct an adequate good faith prior examination of each person on each visit set forth in Finding III.

#### VIII

Each of the said persons was an undercover operative, and none had any physical or mental condition which justified the prescriptions written. Each offered the respondent the opportunity to write the prescriptions by the merest of requests, for non-medical reasons and respondent wrote the prescriptions either for the exact drug requested or a drug with similar properties.

Respondent's argument that they could each lose a few pounds without hurting them is rejected as not meritorious as a medical indication under the facts of this case.

#### IX

On the dates set forth herein, respondent prescribed the following drugs, quantites, and strengths for the persons indicated:

#### Patient Russ C [REDACTED]

<u>Prescription Number</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
266043	January 26, 1978	Quaalude 300	30
266042	January 26, 1978	Biphetamine 20	30
267377	February 17, 1978	Biphetamine 20	30
267376	February 17, 1978	Quaalude 300	30
268140	March 2, 1978	Quaalude 300	30
268139	March 2, 1978	Biphetamine 20	30
270533	April 11, 1978	Quaalude 300	30
270532	April 11, 1978	Biphetamine 20	30
271583	April 27, 1978	Quaalude 300	30
272451	May 16, 1978	Biphetamine 20	30
272508	May 16, 1978	Quaalude 300	30
273710	June 12, 1978	Quaalude 300	30
273709	June 12, 1978	Biphetamine 20	30
274453	June 30, 1978	Quaalude 300	30

274452	June 30, 1978	Biphetamine 20	30
275207	July 20, 1978	Biphetamine 20	30
275208	July 20, 1978	Quaalude 300	30
276143	August 21, 1978	Biphetamine 20	30
276142	August 21, 1978	Quaalude 300	30
276899	September 8, 1978	Biphetamine 20	30
276912	September 8, 1978	Quaalude 300	30
277805	September 29, 1978	Quaalude 30	30
277789	September 29, 1978	Biphetamine 20	30
278357	October 13, 1978	Quaalude 300	30
278356	October 13, 1978	Biphetamine 20	30
278946	October 27, 1978	Biphetamine 20	30
278947	October 27, 1978	Quaalude 300	30
279547	November 10, 1978	Quaalude 300	30
279546	November 10, 1978	Biphetamine 20	30
280375	November 30, 1978	Quaalude 300	30
280374	November 30, 1978	Biphetamine 20	30
281015	December 14, 1978	Quaalude 300	30

Patient Pilar R [REDACTED]

266565	February 3, 1978	Quaalude 300	15
266564	February 3, 1978	Eskatrol Spans	30
267450	February 17, 1978	Eskatrol Spans	30
267449	February 17, 1978	Quaalude 300	30
268638	March 9, 1978	Quaalude 300	30
268637	March 9, 1978	Eskatrol Spans	30
269868	March 30, 1978	Eskatrol Spans	30
269866	March 30, 1978	Quaalude 300	30
271076	April 20, 1978	Quaalude 300	30
271075	April 20, 1978	Biphetamine 20	30
272239	May 11, 1978	Quaalude 300	30
272238	May 11, 1978	Eskatrol	30
273270	June 1, 1978	Quaalude 300	20
273269	June 1, 1978	Eskatrol Spans	30
274172	June 22, 1978	Eskatrol Spans	30
274171	June 22, 1978	Quaalude 300	30
275014	July 13, 1978	Eskatrol Spans	30
275015	July 13, 1978	Quaalude 300	30
276234	August 21, 1978	Eskatrol Spans	30
276235	August 21, 1978	Quaalude 300	20
277209	September 14, 1978	Eskatrol	30
277210	September 14, 1978	Quaalude 300	30
278097	October 6, 1978	Quaalude 300	30
278096	October 6, 1978	Eskatrol	30
278990	October 27, 1978	Quaalude 300	30
278991	October 27, 1978	Eskatrol	30
279801	November 17, 1978	Eskatrol	30
279802	November 17, 1978	Quaalude 300	20
280798	December 8, 1978	Quaalude 300	30
280797	December 8, 1978	Eskatrol Spans	30

Patient Mozzelle L

265214	January 13, 1978	Biphetamine 20	30
265871	January 24, 1978	Biphetamine 20	15
267373	February 17, 1978	Eskatrol Spans	30
268216	March 3, 1978	Quaalude 300	30
269879	March 31, 1978	Quaalude 300	30
269878	April 11, 1978	Eskatrol Spans	30
271010	April 20, 1978	Quaalude 300	20
271838	May 5, 1978	Biphetamine 20	20
272357	May 15, 1978	Quaalude 300	20
273691	June 12, 1978	Quaalude 300	20
273690	June 12, 1978	Biphetamine 20	20
274542	July 3, 1978	Biphetamine 20	20
274543	July 3, 1978	Quaalude 300	20
275060	July 12, 1978	Biphetamine 20	30
275061	July 12, 1978	Quaalude 300	30
276331	August 24, 1978	Biphetamine 20	20
276332	August 24, 1978	Quaalude 300	20
277320	September 19, 1978	Biphetamine 20	20
276747	September 5, 1978	Quaalude 300	20
277550	September 25, 1978	Quaalude 300	20
278417	October 16, 1978	Biphetamine	30
278418	October 16, 1978	Quaalude 300	20
279199	November 3, 1978	Biphetamine	20
279200	November 3, 1978	Quaalude 300	20
279803	November 17, 1978	Biphetamine	30
279804	November 17, 1978	Quaalude 300	20
280583	December 5, 1978	Quaalude 300	20
280582	December 5, 1978	Biphetamine 20	20

Patient Paul S

267434	February 17, 1978	Biphetamine 20	30
268836	March 14, 1978	Quaalude 300	30
268835	March 14, 1978	Biphetamine 20	30
270029	April 3, 1978	Quaalude 300	30
270028	April 3, 1978	Biphetamine 20	30
272375	May 15, 1978	Quaalude 300	30
272374	May 15, 1978	Biphetamine 20	30
273479	June 6, 1978	Quaalude 300	30
273478	June 6, 1978	Biphetamine 20	30
274282	June 26, 1978	Quaalude 300	30
274281	June 26, 1978	Biphetamine 20	30
275301	July 21, 1978	Biphetamine 20	30
275302	July 21, 1978	Quaalude 300	30
276374	August 24, 1978	Biphetamine 20	30
276375	August 24, 1978	Quaalude 300	30

277065	September 12, 1978	Biphetamine 20	30
277066	September 12, 1978	Quaalude 300	30
277581	September 26, 1978	Quaalude 300	20
277582	September 26, 1978	Biphetamine 20	30
278447	October 16, 1978	Biphetamine 20	30
278448	October 16, 1978	Quaalude 300	30
279450	November 9, 1978	Biphetamine 20	30
279451	November 9, 1978	Quaalude 300	30
280611	December 6, 1978	Biphetamine 20	30
280612	December 6, 1978	Quaalude 300	30

Patient Barb R [REDACTED]

265649	January 20, 1978	Biphetamine 20	30
265650	January 20, 1978	Quaalude 300	30
267823	February 17, 1978	Biphetamine 20	30
268994	March 17, 1978	Quaalude 300	30
268993	March 17, 1978	Biphetamine 20	30
271503	April 28, 1978	Quaalude 300	30
271502	April 28, 1978	Biphetamine 20	30
277636	May 16, 1978	Biphetamine 20	30
277635	May 16, 1978	Quaalude 300	30
274148	June 22, 1978	Quaalude 300	30
274147	June 22, 1978	Biphetamine 20	30
275263	July 21, 1978	Biphetamine 20	30
275264	July 21, 1978	Quaalude 300	30
276592	August 28, 1978	Biphetamine 20	30
276593	August 28, 1978	Quaalude 300	30
277488	September 22, 1978	Biphetamine 20	30
277489	September 22, 1978	Quaalude 300	30
278341	October 13, 1978	Biphetamine 20	30
278342	October 13, 1978	Quaalude 300	30
278987	October 27, 1978	Biphetamine	30
278988	October 27, 1978	Quaalude 300	30
279805	November 17, 1978	Biphetamine 20	30
279806	November 17, 1978	Quaalude 300	30
281076	December 14, 1978	Quaalude 300	40

Patient Barb R [REDACTED]

266356	January 31, 1978	Quaalude 300	30
269004	March 17, 1978	Quaalude 300	30
269003	March 17, 1978	Desoxyn Grad. 15	30
270638	April 13, 1978	Quaalude 300	20
270637	April 13, 1978	Desoxyn Grad. 15	30
273292	June 2, 1978	Desoxyn Grad. 15	20
274143	June 22, 1978	Quaalude 300	20
274142	June 22, 1978	Desoxyn Grad. 15	20
274729	July 10, 1978	Desoxyn Grad. 15	20

274728	July 10, 1978	Quaalude 300	20
276255	August 22, 1978	Desoxyn Grad. 15	30
276254	August 22, 1978	Quaalude 300	30
277159	September 15, 1978	Quaalude 300	20
277158	September 15, 1978	Desoxyn Grad. 15	20
278011	October 5, 1978	Desoxyn Grad. 15	30
278012	October 5, 1978	Quaalude 300	30
278894	October 26, 1978	Quaalude 300	20
278893	October 26, 1978	Desoxyn Grad. 15	20
279539	November 10, 1978	Desoxyn Grad. 15	20
279538	November 10, 1978	Quaalude 300	20
280162	November 27, 1978	Quaalude 300	20
280161	November 27, 1978	Desoxyn Grad. 15	30

Patient Robert S. [REDACTED]

265603	January 19, 1978	Desoxyn Grad. 15	30
267541	February 21, 1978	Quaalude 300	30
267540	February 21, 1978	Biphetamine 20	30
269160	March 20, 1978	Quaalude 300	30
269159	March 20, 1978	Biphetamine 20	30
270769	April 14, 1978	Quaalude 300	30
272347	May 15, 1978	Quaalude 300	20
272346	May 15, 1978	Eskatrol	30
273908	June 16, 1978	Biphetamine 20	30
273909	June 16, 1978	Quaalude 300	30
274955	July 14, 1978	Quaalude 300	30
274954	July 14, 1978	Eskatrol	30
276348	August 24, 1978	Quaalude 300	30
276347	August 24, 1978	Biphetamine 20	30
277468	September 22, 1978	Quaalude 300	30
277467	September 22, 1978	Eskatrol	30
278682	October 20, 1978	Quaalude 300	30
278681	October 20, 1978	Eskatrol	30
279815	November 17, 1978	Quaalude 300	20
279814	November 17, 1978	Eskatrol	30

X

In addition to the substances set forth in Finding IV, Desoxyn and Quaalude are drugs within the meaning of Business and Professions Code section 725 and dangerous drugs within the meaning of section 4211 of said Code.

Both Desoxyn (Schedule II) and Quaalude (Schedule III) are controlled substances within the meaning of Division 10 of the Health and Safety Code.



## XI

The only evidence received with respect to the conduct set forth in Findings IX and X was the prescriptions, and the opinion testimony of the expert witnesses. Said opinions, and each of them, were based solely on the facts contained in Findings IX and X above.

## XII

It was established by the preponderance of evidence that respondent's conduct set forth in Findings IX and X constitutes repeated acts of clearly excessive prescribing of drugs as determined by the standards of the local community, as to each patient set forth in Finding IX, or as to all of them.

## XIII

It was not established by the preponderance of evidence that any of the patients set forth in Finding IX was not under respondent's treatment for a pathology or condition other than addiction to a controlled substance.

## XIV

Respondent has practiced in California for over thirty (30) years without prior disciplinary action. He enjoys a good reputation in the medical community.

## XV

Except as hereinabove found to be true, all other allegations of the accusation are found to be unproved.

## DETERMINATION OF ISSUES

### I

Cause exists to suspend or revoke respondent's certificate pursuant to section 2360 and 2361 of the Business and Professions Code in that he has committed acts constituting unprofessional conduct, as follows:

1. Pursuant to section 725 (formerly section 700) of the Business and Professions Code by reason of Finding III through VI.

2. For violation of section 2399.5 of the Business and Professions Code in conjunction with section 4211 of said Code by reason of Findings III through V, and each incident set forth therein, and Finding VIII.

## II

Cause for disciplinary action against respondent does not exist pursuant to section 2391.5 of said Code, in conjunction with Health and Safety Code section 11154, by reason of Finding XIII.

## III

Cause for disciplinary action against respondent pursuant to Business and Professions Code section 725 does exist as to the conduct set forth in Findings IX and X.

## ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The physician's and surgeon's certificate number C-10477, heretofore issued to respondent by the Board, is hereby revoked as to each of determinations I(1), I(2), and III, and all of them; provided, however, execution of those orders of revocation are hereby stayed and respondent is placed on probation for a period of five (5) years upon the following terms and conditions:

1. As part of probation, respondent is suspended from the practice of medicine for 120 days beginning the effective date of this decision.

2. Respondent shall forthwith surrender to the Drug Enforcement Agency of the United States Justice Department, or its successor agency, his Federal Permit to prescribe and dispense narcotics and controlled substances. Respondent may apply for a federal controlled substances permit to administer, prescribe, dispense or otherwise handle only those drugs set forth in Schedules IV and V of the Federal Controlled Substances Act, and during the term of this probation, respondent's controlled substances privileges shall be limited to only those controlled substances listed in said Schedules.

3. Within 90 days of the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division for its prior approval an educational program in Family Practice and Medical Therapeutics which shall not be less than 50 hours per year for each year of probation.

This program shall be in addition to the Continuing Medical Education requirements for re-licensure. The Division or its designee may also require respondent to pass an examination after the completion of each course.

4. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

4. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

5. Respondent shall comply with the Division's probation surveillance program.

6. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

7. In the event respondent should leave California to reside or to practice outside the State, respondent must notify in writing the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

8. If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation of the respondent's certificate.

9. Upon successful completion of probation, respondent's certificate will be fully restored.

This decision becomes effective on April 29, 1981.

SO ORDERED March 30, 1981.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

By   
MILLER MEDEARIS  
Secretary-Treasurer

FL:jw

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	
	)	No. D-2345
S. HERBERT HANDLER, M.D.	)	
Physician's and Surgeon's	)	
Certificate No. C-10477,	)	L-19524
	)	
Respondent.	)	

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ORDER DELAYING DECISION

Pursuant to section 11517(d) of the Government Code, the Division of Medical Quality, finding that a further delay is required by special circumstances, hereby issues this order delaying the decision for no more than 30 days from March 6, 1981 (when the 100-day period expires) to April 3, 1981.

The reasons for the delay are as follows: The review of the record, including the bulky transcript in this case, involved a time-consuming process of circulating the record by mail among the individual members of the Division who reside in different parts of the state. This review process has been completed and the members are now ready to meet and decide the case. However, the Division's next regularly scheduled meeting is in Anaheim, California on March 12, 1981, which is six days after the expiration of the 100-day period on March 6, 1981. Therefore, the Division needs additional time to meet and complete its work in this case, including time after the meeting to draft and type the decision, to review and sign it and to effect service on the parties.

Dated Feb. 27, 1981

  
JAMES P. LOCKHART, M.D.  
President, Division of  
Medical Quality

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

S. HERBERT HANDLER, M.D.  
Certificate No. C-10477,

Respondent.

No. D-2345

L-19524.

NOTICE OF NON-ADOPTION  
OF PROPOSED DECISION

To All Parties:

YOU ARE HEREBY NOTIFIED that the proposed decision attached to this notice was not adopted by the Division of Medical Quality. The Division itself will now decide the case upon the record, including the transcript, without taking additional evidence.

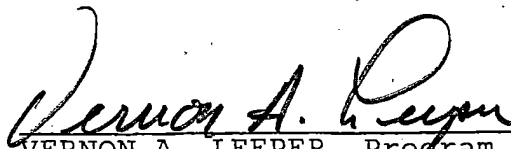
You are hereby afforded the opportunity to file written argument with the Division at its office at 1430 Howe Avenue, Sacramento, California 95825. Your right to argue on any matter is not limited, but the Division would be highly interested in persuasive discussions on the following matters: Why this license should not be revoked, or why there should not be an actual period of suspension from practice.

For its own use, the Division has placed an order for the preparation of the hearing transcript and records. At your own expense, you may also obtain copies of the transcript and records by contacting the Transcript Clerk at the Office of Administrative Hearings at 314 West First Street, Los Angeles, California 90012.

After the Division receives the transcript, you will be further notified in writing of the deadline date to submit any written argument. Please remember to include your proof of service that the opposing party was served with a copy of your written argument to the Division.

DATED: October 2, 1980

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE



VERNON A. LEEPER, Program Manager  
Enforcement Unit

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )	
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Physician's and Surgeon's )	
Certificate No. C-10477, )	L-19524
Respondent. )	

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PROPOSED DECISION

This matter came on regularly for hearing before Robert A. Neher, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on May 19, 1980, at 9:00 a.m., and thereafter on May 20, May 21, June 12, June 26, 27 and 30, 1980, and on July 3, 1980, at various hours. William Carter and Michael Hammang, Deputy Attorneys General, represented the complainant. Respondent appeared in person and was represented by Bradley William Brunon, Attorney at Law. Documentary and oral evidence was introduced, the matter argued and submitted. The Administrative Law Judge finds the following facts:

I.

Robert Rowland made the accusation in his official capacity as the Executive Director of the Board of Medical Quality Assurance.

II

At all times herein mentioned, respondent S. Herbert Handler, M.D., was and now is authorized to practice as a physician and surgeon in the State of California pursuant to license number C-10477. Respondent was first licensed in California on September 9, 1947. His address of record with the Board is 239 South La Cienega Boulevard, Beverly Hills, California 90211.

### III

On the dates set forth herein, respondent prescribed the following drugs, quantities, and strengths for the patients indicated:

<u>DATE</u>	<u>PATIENT</u>	<u>QUANTITY</u>	<u>MEDICATION</u>
7/21/78	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
9/21/78	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
10/17/78	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
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9/21/78	David T [REDACTED] (aka David C [REDACTED])	30	Dexedrine 5 mg.
12/7/78	David T [REDACTED] (aka David C [REDACTED])	30	Dexedrine 5 mg.
9/29/78	Laura C [REDACTED] (aka Laura E [REDACTED])	20	Biphetamine 20 mg.
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9/28/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
10/12/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
10/26/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
11/9/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
11/16/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
11/28/78	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol

12/12/78	Lisa V [REDACTED] (aka Toni J [REDACTED])	20	Eskatrol
12/26/78	Lisa V [REDACTED] (aka Toni J [REDACTED])	20	Eskatrol
12/26/78	Lisa V [REDACTED] (aka Toni J [REDACTED])	15	Dalmane 15 mg.

#### IV

Biphetamine, Eskatrol, Dexedrine, and Dalmane, and each of them, were and are dangerous drugs within the meaning of Business and Professions Code section 4211.

Each of the above drugs were and are Schedule II controlled substances within the meaning of Division 10 of the Health and Safety Code, except Dalmane which is a Schedule IV controlled substance therein.

Each of the above substances are drugs within the meaning of section 725 of the Business and Professions Code.

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Each and all of the prescriptions set forth in Finding III were written by the respondent without medical indication therefor.

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The conduct of respondent set forth in Findings III, IV and V constitutes repeated acts of clearly excessive prescribing of drugs as determined by the standards of the local community of licensees, as to each patient set forth in Finding III, and as to all of them.

#### VII

The preponderance of evidence failed to establish that respondent did not conduct an adequate good faith prior examination of each person on each visit set forth in Finding III.

#### VIII

Each of the said persons was an undercover operative, and none had any physical or mental condition which justified the prescriptions written. Each offered the respondent the opportunity to write the prescriptions by the merest of requests, for non-medical reasons and respondent wrote the prescriptions.



either for the exact drug requested or a drug with similar properties.

Respondent's argument that they could each lose a few pounds without hurting them is rejected as not meritorious as a medical indication under the facts of this case.

IX

On the dates set forth herein, respondent prescribed the following drugs, quantities, and strengths for the persons indicated:

Patient Russ C [REDACTED]

<u>Prescription Number</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
266043	January 26, 1978	Quaalude 300	30
266042	January 26, 1978	Biphetamine 20	30
267377	February 17, 1978	Biphetamine 20	30
267376	February 17, 1978	Quaalude 300	30
268140	March 2, 1978	Quaalude 300	30
268139	March 2, 1978	Biphetamine 20	30
270533	April 11, 1978	Quaalude 300	30
270532	April 11, 1978	Biphetamine 20	30
271583	April 27, 1978	Quaalude 300	30
272451	May 16, 1978	Biphetamine 20	30
272508	May 16, 1978	Quaalude 300	30
273710	June 12, 1978	Quaalude 300	30
273709	June 12, 1978	Biphetamine 20	30
274453	June 30, 1978	Quaalude 300	30
274452	June 30, 1978	Biphetamine 20	30
275207	July 20, 1978	Biphetamine 20	30
275208	July 20, 1978	Quaalude 300	30
276143	August 21, 1978	Biphetamine 20	30
276142	August 21, 1978	Quaalude 300	30

276899	September 8, 1978	Biphetamine 20	30
276912	September 8, 1978	Quaalude 300	30
277805	September 29, 1978	Quaalude 30	30
277789	September 29, 1978	Biphetamine 20	30
278357	October 13, 1978	Quaalude 300	30
278356	October 13, 1978	Biphetamine 20	30
278946	October 27, 1978	Biphetamine 20	30
278947	October 27, 1978	Quaalude 300	30
279547	November 10, 1978	Quaalude 300	30
279546	November 10, 1978	Biphetamine 20	30
280375	November 30, 1978	Quaalude 300	30
280374	November 30, 1978	Biphetamine 20	30
281015	December 14, 1978	Quaalude 300	30

Patient Pilar R [REDACTED]

266565	February 3, 1978	Quaalude 300	15
266564	February 3, 1978	Eskatrol Spans	30
267450	February 17, 1978	Eskatrol Spans	30
267449	February 17, 1978	Quaalude 300	30
268638	March 9, 1978	Quaalude 300	30
268637	March 9, 1978	Eskatrol Spans	30
269868	March 30, 1978	Eskatrol Spans	30
269866	March 30, 1978	Quaalude 300	30
271076	April 20, 1978	Quaalude 300	30
271075	April 20, 1978	Biphetamine 20	30
272239	May 11, 1978	Quaalude 300	30
272238	May 11, 1978	Eskatrol	30
273270	June 1, 1978	Quaalude 300	20
273269	June 1, 1978	Eskatrol Spans	30

274172	June 22, 1978	Eskatrol Spans	30
274171	June 22, 1978	Quaalude 300	30
275014	July 13, 1978	Eskatrol Spans	30
275015	July 13, 1978	Quaalude 300	30
276234	August 21, 1978	Eskatrol Spans	30
276235	August 21, 1978	Quaalude 300	20
277209	September 14, 1978	Eskatrol	30
277210	September 14, 1978	Quaalude 300	30
278097	October 6, 1978	Quaalude 300	30
278096	October 6, 1978	Eskatrol	30
278990	October 27, 1978	Quaalude 300	30
278991	October 27, 1978	Eskatrol	30
279801	November 17, 1978	Eskatrol	30
279802	November 17, 1978	Quaalude 300	20
280798	December 8, 1978	Quaalude 300	30
280797	December 8, 1978	Eskatrol Spans	30

Patient Mozzelle L [REDACTED]

265214	January 13, 1978	Biphetamine 20	30
265871	January 24, 1978	Biphetamine 20	15
267373	February 17, 1978	Eskatrol Spans	30
268216	March 3, 1978	Quaalude 300	30
269879	March 31, 1978	Quaalude 300	30
269878	April 11, 1978	Eskatrol Spans	30
271010	April 20, 1978	Quaalude 300	20
271838	May 5, 1978	Biphetamine 20	20
272357	May 15, 1978	Quaalude 300	20
273691	June 12, 1978	Quaalude 300	20
273690	June 12, 1978	Biphetamine 20	20

274542	July 3, 1978	Biphetamine 20	20
274543	July 3, 1978	Quaalude 300	20
275060	July 12, 1978	Biphetamine 20	30
275061	July 12, 1978	Quaalude 300	30
276331	August 24, 1978	Biphetamine 20	20
276332	August 24, 1978	Quaalude 300	20
277320	September 19, 1978	Biphetamine 20	20
276747	September 5, 1978	Quaalude 300	20
277550	September 25, 1978	Quaalude 300	20
278417	October 16, 1978	Biphetamine	30
278418	October 16, 1978	Quaalude 300	20
279199	November 3, 1978	Biphetamine	20
279200	November 3, 1978	Quaalude 300	20
279803	November 17, 1978	Biphetamine	30
279804	November 17, 1978	Quaalude 300	20
280583	December 5, 1978	Quaalude 300	20
280582	December 5, 1978	Biphetamine 20	20

Patient Paul S [REDACTED]

267434	February 17, 1978	Biphetamine 20	30
268836	March 14, 1978	Quaalude 300	30
268835	March 14, 1978	Biphetamine 20	30
270029	April 3, 1978	Quaalude 300	30
270028	April 3, 1978	Biphetamine 20	30
272375	May 15, 1978	Quaalude 300	30
272374	May 15, 1978	Biphetamine 20	30
273479	June 6, 1978	Quaalude 300	30
273478	June 6, 1978	Biphetamine 20	30
274282	June 26, 1978	Quaalude 300	30
274281	June 26, 1978	Biphetamine 20	30

275301	July 21, 1978	Biphetamine 20	30
275302	July 21, 1978	Quaalude 300	30
276374	August 24, 1978	Biphetamine 20	30
276375	August 24, 1978	Quaalude 300	30
277065	September 12, 1978	Biphetamine 20	30
277066	September 12, 1978	Quaalude 300	30
277581	September 26, 1978	Quaalude 300	20
277582	September 26, 1978	Biphetamine 20	30
278447	October 16, 1978	Biphetamine 20	30
278448	October 16, 1978	Quaalude 300	30
279450	November 9, 1978	Biphetamine 20	30
279451	November 9, 1978	Quaalude 300	30
280611	December 6, 1978	Biphetamine 20	30
280612	December 6, 1978	Quaalude 300	30

Patient Barb R [REDACTED]

265649	January 20, 1978	Biphetamine 20	30
265650	January 20, 1978	Quaalude 300	30
267823	February 17, 1978	Biphetamine 20	30
268994	March 17, 1978	Quaalude 300	30
268993	March 17, 1978	Biphetamine 20	30
271503	April 28, 1978	Quaalude 300	30
271502	April 28, 1978	Biphetamine 20	30
277636	May 16, 1978	Biphetamine 20	30
277635	May 16, 1978	Quaalude 300	30
274148	June 22, 1978	Quaalude 300	30
274147	June 22, 1978	Biphetamine 20	30
275263	July 21, 1978	Biphetamine 20	30
275264	July 21, 1978	Quaalude 300	30

276592	August 28, 1978	Biphetamine 20	30
276593	August 28, 1978	Quaalude 300	30
277488	September 22, 1978	Biphetamine 20	30
277489	September 22, 1978	Quaalude 300	30
278341	October 13, 1978	Biphetamine 20	30
278342	October 13, 1978	Quaalude 300	30
278987	October 27, 1978	Biphetamine	30
278988	October 27, 1978	Quaalude 300	30
279805	November 17, 1978	Biphetamine 20	30
279806	November 17, 1978	Quaalude 300	30
281076	December 14, 1978	Quaalude 300	40

Patient Barb R

266356	January 31, 1978	Quaalude 300	30
269004	March 17, 1978	Quaalude 300	30
269003	March 17, 1978	Desoxyn Grad. 15	30
270638	April 13, 1978	Quaalude 300	20
270637	April 13, 1978	Desoxyn Grad. 15	30
273292	June 2, 1978	Desoxyn Grad. 15	20
274143	June 22, 1978	Quaalude 300	20
274142	June 22, 1978	Desoxyn Grad. 15	20
274729	July 10, 1978	Desoxyn Grad. 15	20
274728	July 10, 1978	Quaalude 300	20
276255	August 22, 1978	Desoxyn Grad. 15	30
276254	August 22, 1978	Quaalude 300	30
277159	September 15, 1978	Quaalude 300	20
277158	September 15, 1978	Desoxyn Grad. 15	20
278011	October 5, 1978	Desoxyn Grad. 15	30
278012	October 5, 1978	Quaalude 300	30

278894	October 26, 1978	Quaalude 300	20
278893	October 26, 1978	Desoxyn Grad. 15	20
279539	November 10, 1978	Desoxyn Grad. 15	20
279538	November 10, 1978	Quaalude 300	20
280162	November 27, 1978	Quaalude 300	20
280161	November 27, 1978	Desoxyn Grad. 15	30

Patient Robert S [REDACTED]

265603	January 19, 1978	Desoxyn Grad. 15	30
267541	February 21, 1978	Quaalude 300	30
267540	February 21, 1978	Biphetamine 20	30
269160	March 20, 1978	Quaalude 300	30
269159	March 20, 1978	Biphetamine 20	30
270769	April 14, 1978	Quaalude 300	30
272347	May 15, 1978	Quaalude 300	20
272346	May 15, 1978	Eskatrol	30
273908	June 16, 1978	Biphetamine 20	30
273909	June 16, 1978	Quaalude 300	30
274955	July 14, 1978	Quaalude 300	30
274954	July 14, 1978	Eskatrol	30
276348	August 24, 1978	Quaalude 300	30
276347	August 24, 1978	Biphetamine 20	30
277468	September 22, 1978	Quaalude 300	30
277467	September 22, 1978	Eskatrol	30
278682	October 20, 1978	Quaalude 300	30
278681	October 20, 1978	Eskatrol	30
279815	November 17, 1978	Quaalude 300	20
279814	November 17, 1978	Eskatrol	30

X

In addition to the substances set forth in Finding IV, Desoxyn and Quaalude are drugs within the meaning of Business and Professions Code section 725 and dangerous drugs within the meaning of section 4211 of said Code.

Both Desoxyn (Schedule II) and Quaalude (Schedule III) are controlled substances within the meaning of Division 10 of the Health and Safety Code.

XI

The only evidence received with respect to the conduct set forth in Findings IX and X was the prescriptions, and the opinion testimony of the expert witnesses. Said opinions, and each of them, were based solely on the facts contained in Finding X above.

Neither expert had any knowledge or information as to what may or may not have occurred at any of the patient's visits, what any patient's actual condition was or is, or what any of the patient's records contain.

XII

It was not established by the preponderance of evidence that respondent's conduct set forth in Findings IX and X constitutes repeated acts of clearly excessive prescribing of drugs as determined by the standards of the local community, as to each patient set forth in Finding IX, or as to all of them.

XIII

It was not established by the preponderance of evidence that any of the patients set forth in Finding IX was not under respondent's treatment for a pathology or condition other than addiction to a controlled substance.

XIV

Respondent has practiced in California for over thirty (30) years without prior disciplinary action. He enjoys a good reputation in the medical community, and no substantial evidence was introduced to sustain a finding that respondent was a "pusher" or otherwise involved in the illicit drug trade.

XV

Except as hereinabove found to be true, all other allegations of the accusation are found to be unproved.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the



Administrative Law Judge makes the following determination of issues:

I

Cause exists to suspend or revoke respondent's certificate pursuant to sections 2360 and 2361 of the Business and Professions Code in that he has committed acts constituting unprofessional conduct, as follows:

1. Pursuant to section 725 (formerly section 700) of the Business and Professions Code by reason of Finding III through VI.

2. For violation of section 2399.5 of the Business and Professions Code in conjunction with section 4211 of said Code by reason of Findings III through V, and each incident set forth therein.

II

Cause for disciplinary action against respondent does not exist pursuant to section 2391.5 of said Code, in conjunction with Health and Safety Code section 11154, by reason of Finding XIII.

III

Cause for disciplinary action against respondent pursuant to Business and Professions Code section 725 does not exist as to the conduct set forth in Findings IX and X, by reason of Finding XII.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The physician's and surgeon's certificate number C-10477, heretofore issued to respondent by the Board, is hereby revoked as to each of determinations I(1) and I(2), and both of them; provided, however, execution of those orders of revocation are hereby stayed and respondent is placed on probation for a period of five (5) years upon the following terms and conditions:

1. Respondent shall comply with all laws of the United States, the State of California and its political subdivisions, and all rules and regulations of the Board of Medical Quality Assurance of the State of California.

2. Respondent shall report in person to the Division of Medical Quality or its agents or medical consultants at such meetings or interviews as may be directed during the period of probation.

3. Respondent shall submit to the Division of Medical Quality, at quarterly intervals, an affidavit to the effect that he is fully and faithfully complying with all the terms and conditions of this probation. The first report shall be due when ordered by the Executive Director.

4. Respondent shall forthwith surrender to the Drug Enforcement Agency of the United States Justice Department, or its successor agency, his Federal Permit to prescribe and dispense narcotics and controlled substances. Respondent may apply for a federal controlled substances permit to administer, prescribe, dispense or otherwise handle only those drugs set forth in Schedules IV and V of the Federal Controlled Substances Act, and during the term of this probation, respondent's controlled substances privileges shall be limited to only those controlled substances listed in said Schedules.

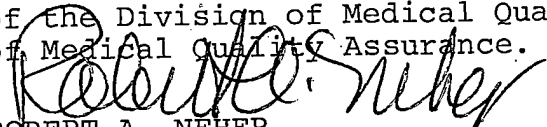
5. During the first year of this probation, respondent shall take and successfully complete, in addition to the continuing medical education requirements for relicensure, courses in Family Practice and Pharmacology approved in advance by the Division of Medical Quality.

6. Respondent shall fully cooperate with the Board of Medical Quality Assurance or any of its agents or employees in their supervision and investigation of his compliance with the terms and conditions of this probation; and shall notify the Division and its regional Medical Consultant of any departure by respondent from the State of California for the purpose of residing or practicing elsewhere. Any such period of absence shall be added to the probation period.

Upon full compliance with the terms and conditions herein set forth and upon the expiration of the probationary period, the certificate shall be restored to its full privileges; provided, however, that in the event respondent violates or fails to comply with any of the terms and conditions hereof, the Board of Medical Quality Assurance, after notice to respondent and opportunity to be heard, may terminate this probation and reinstitute the revocations or make such other order modifying the terms of probation herein as it deems just and reasonable in its discretion.

DATED: 11 July 80

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter as a result of the hearing had before me on the above dates at Los Angeles, California, and recommend its adoption as the decision of the Division of Medical Quality, Board of Medical Quality Assurance.

  
ROBERT A. NEHER,  
Administrative Law Judge  
Office of Administrative Hearings

RAN:jm

1 GEORGE DEUKMEJIAN, Attorney General  
WILLIAM L. CARTER,  
2 Deputy Attorney General  
3580 Wilshire Boulevard  
3 Los Angeles, California 90010  
Telephone: (213) 736-2043

4 Attorneys for Complainant  
5  
6  
7

8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation ) NO. D-2345  
12 Against: )  
13 S. HERBERT HANDLER, M.D. ) AMENDMENT TO  
14 Physician's and Surgeon's ) ACCUSATION  
Certificate No. C-10477, )  
15 Respondent. )

16 Accusation number D-2345 heretofore executed and filed  
17 on June 12, 1979, is hereby amended as follows:

18 Paragraph "9" on line 5 of page 15 is amended to  
19 read paragraph "9(a)".

20 The numeral "8" in line 7 of page 16 is amended to  
21 read "9".

22 DATED: December 18, 1979.

23 GEORGE DEUKMEJIAN, Attorney General  
24 WILLIAM L. CARTER,  
Deputy Attorney General

25  
26 By William L. Carter  
WILLIAM L. CARTER  
27 Deputy Attorney General

Attorneys for Complainant

GEORGE DEUKMEJIAN, Attorney General  
WILLIAM L. CARTER,  
Deputy Attorney General  
3580 Wilshire Boulevard  
Los Angeles, California 90010  
Telephone: (213) 736-2043

Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

# D-2345  
ACCUSATION

S. HERBERT HANDLER, M.D.  
Physician's and Surgeon's  
Certificate No. C-10477,

Respondent.

COMES NOW complainant Robert G. Rowland, who, as cause  
for disciplinary action against the above captioned respondent,  
charges and alleges as follows:

1. He is the Executive Director of the Board of Medical  
Quality Assurance (hereinafter referred to as the "board") and  
makes and files this accusation solely in his official capacity  
as such.

2. On or about September 9, 1947, the Board of Medical  
Examiners (predecessor to the board) issued to S. Herbert Handler,  
M.D. (hereinafter referred to as "respondent") physician's and  
surgeon's certificate number C-10477. Said certificate is now,  
and was at all times mentioned herein, in full force and effect.

1           3. Sections 2360 and 2361 of the Business and  
2 Professions Code (hereinafter referred to as the "code")  
3 provide that the board may take disciplinary action against the  
4 holder of a physician's and surgeon's certificate who is guilty  
5 of unprofessional conduct.

6           4. Section 2399.5 of the code provides, in pertinent  
7 part, that the prescribing, dispensing or furnishing of dangerous  
8 drugs as defined in section 4211 of the code without a good  
9 faith prior examination and medical indication therefor, con-  
10 stitutes unprofessional conduct.

11           5. Biphetamine, Eskatrol, Dexedrine and Dalmane are  
12 dangerous drugs within the meaning of section 4211 of the code.

13           6. Respondent is subject to discipline pursuant to  
14 the provisions of section 2399.5 of the code, in that respondent  
15 has prescribed the following dangerous drugs as defined in  
16 section 4211 of the code, for the following persons, without  
17 conducting a good faith prior examination of such persons, and  
18 without medical indication therefor, as more particularly  
19 alleged hereinafter:

20	DATE	PATIENT	QUANTITY	MEDICATION
21	July 21, 1978	Timothy M [REDACTED] (aka Frank M [REDACTED])	20	Biphetamine 20 mg.
22	September 21, 1978	"	20	Biphetamine 20 mg.
23	October 17, 1978	"	20	Biphetamine 20 mg.
24	November 14, 1978	"	20	Biphetamine 20 mg.
25				
26				
27				

DATE	PATIENT	QUANTITY	MEDICATION
September 21, 1978	David T [REDACTED] (aka David C [REDACTED])	30	Dexedrine 5 mg.
December 7, 1978	"	30	Dexedrine 5 mg.
September 29, 1978	Laura C [REDACTED] (aka Laura E [REDACTED])	20	Biphetamine 20 mg.
October 17, 1978	"	20	Biphetamine 20 mg.
November 14, 1978	"	20	Biphetamine 20 mg.
September 28, 1978	Carol S [REDACTED] (aka Carol K [REDACTED])	20	Eskatrol
October 12, 1978	"	20	Eskatrol
October 26, 1978	"	20	Eskatrol
November 9, 1978	"	20	Eskatrol
November 16, 1978	"	20	Eskatrol
November 28, 1978	"	20	Eskatrol
December 12, 1978	Lisa V [REDACTED] (aka Toni J [REDACTED])	20	Eskatrol
December 26, 1978	"	20	Eskatrol
December 26, 1978	"	15	Dalmane 15 mg.

7. Section 700 of the code provides, in pertinent part, that repeated acts of clearly excessive prescribing or administering of drugs as determined by the standard of the local community of licensees is unprofessional conduct.

8. Quaalude, Biphetamine, Eskatrol, Dexedrine, Obetrol and Desoxyn are drugs within the meaning of section 700 of the code.

/

9. Respondent is further subject to discipline pursuant to the provisions of section 700 of the code in that respondent has prescribed the following drugs for the following persons in repeated and clearly excessive amounts as more particularly alleged hereinafter:

A. Patient Russ C [REDACTED]

Prescription Number	Date	Drug	Quantity
266043	January 26, 1978	Quaalude 300	30
266042	January 26, 1978	Biphetamine 20	30
267377	February 17, 1978	Biphetamine 20	30
267376	February 17, 1978	Quaalude 300	30
268140	March 2, 1978	Quaalude 300	30
268139	March 2, 1978	Biphetamine 20	30
270533	April 11, 1978	Quaalude 300	30
270532	April 11, 1978	Biphetamine 20	30
271583	April 27, 1978	Quaalude 300	30
272451	May 16, 1978	Biphetamine 20	30
272508	May 16, 1978	Quaalude 300	30
273710	June 12, 1978	Quaalude 300	30
273709	June 12, 1978	Biphetamine 20	30
274453	June 30, 1978	Quaalude 300	30
274452	June 30, 1978	Biphetamine 20	30
275207	July 20, 1978	Biphetamine 20	30
275208	July 20, 1978	Quaalude 300	30

1	Prescription Number	Date	Drug	Quantity
2	276143	August 21, 1978	Biphetamine 20	30
3	276142	August 21, 1978	Quaalude 300	30
4	276899	September 8, 1978	Biphetamine 20	30
5	276912	September 8, 1978	Quaalude 300	30
6	277805	September 29, 1978	Quaalude 300	30
7	277789	September 29, 1978	Biphetamine 20	30
8	278357	October 13, 1978	Quaalude 300	30
9	278356	October 13, 1978	Biphetamine 20	30
10	278946	October 27, 1978	Biphetamine 20	30
11	278947	October 27, 1978	Quaalude 300	30
12	279547	November 10, 1978	Quaalude 300	30
13	279546	November 10, 1978	Biphetamine 20	30
14	280375	November 30, 1978	Quaalude 300	30
15	280374	November 30, 1978	Biphetamine 20	30
16	281015	December 14, 1978	Quaalude 300	30
17	B. <u>Patient Pilar R [REDACTED]</u>			
18	266565	February 3, 1978	Quaalude 300	15
19	266564	February 3, 1978	Eskatrol Spans	30
20	267450	February 17, 1978	Eskatrol Spans	30
21	267449	February 17, 1978	Quaalude 300	30
22	268638	March 9, 1978	Quaalude 300	30
23	268637	March 9, 1978	Eskatrol Spans	30
24	269868	March 30, 1978	Eskatrol Spans	30
25	269866	March 30, 1978	Quaalude 300	30
26	271076	April 20, 1978	Quaalude 300	30
27	271075	April 20, 1978	Biphetamine 20	30



	Prescription Number	Date	Drug	Quantity
1				
2	272239	May 11, 1978	Quaalude 300	30
3	272238	May 11, 1978	Eskatrol	30
4	273270	June 1, 1978	Quaalude 300	20
5	273269	June 1, 1978	Eskatrol Spans	30
6	274172	June 22, 1978	Eskatrol Spans	30
7	274171	June 22, 1978	Quaalude 300	30
8	275014	July 13, 1978	Eskatrol Spans	30
9	275015	July 13, 1978	Quaalude 300	30
10	276234	August 21, 1978	Eskatrol Spans	30
11	276235	August 21, 1978	Quaalude 300	20
12	277209	September 14, 1978	Eskatrol	30
13	277210	September 14, 1978	Quaalude 300	30
14	278097	October 6, 1978	Quaalude 300	30
15	278096	October 6, 1978	Eskatrol	30
16	278990	October 27, 1978	Quaalude 300	30
17	278991	October 27, 1978	Eskatrol	30
18	279801	November 17, 1978	Eskatrol	30
19	279802	November 17, 1978	Quaalude 300	20
20	280798	December 8, 1978	Quaalude 300	30
21	280797	December 8, 1978	Eskatrol Spans	30
22	C. <u>Patient Mozzelle L</u> [REDACTED]			
23	265214	January 13, 1978	Biphetamine 20	30
24	265871	January 24, 1978	Biphetamine 20	15
25	267373	February 17, 1978	Eskatrol Spans	30
26	268216	March 3, 1978	Quaalude 300	30
27		/		

	Prescription Number	Date	Drug	Quantity
1				
2	269879	March 31, 1978	Quaalude 300	30
3	269878	April 11, 1978	Eskatrol Spans	30
4	271010	April 20, 1978	Quaalude 300	20
5	271838	May 5, 1978	Biphetamine 20	20
6	272357	May 15, 1978	Quaalude 300	20
7	273691	June 12, 1978	Quaalude 300	20
8	273690	June 12, 1978	Biphetamine 20	20
9	274542	July 3, 1978	Biphetamine 20	20
10	274543	July 3, 1978	Quaalude 300	20
11	275060	July 12, 1978	Biphetamine 20	30
12	275061	July 12, 1978	Quaalude 300	30
13	276331	August 24, 1978	Biphetamine 20	20
14	276332	August 24, 1978	Quaalude 300	20
15	277320	September 19, 1978	Biphetamine 20	20
16	276747	September 5, 1978	Quaalude 300	20
17	277550	September 25, 1978	Quaalude 300	20
18	278417	October 16, 1978	Biphetamine	30
19	278418	October 16, 1978	Quaalude 300	20
20	279199	November 3, 1978	Biphetamine	20
21	279200	November 3, 1978	Quaalude 300	20
22	279803	November 17, 1978	Biphetamine	30
23	279804	November 17, 1978	Quaalude 300	20
24	280583	December 5, 1978	Quaalude 300	20
25	280582	December 5, 1978	Biphetamine 20	20
26		/		
27		/		
		7.		

	Prescription Number	Date	Drug	Quantity
2	D.	Patient Mark H [REDACTED]		
3	266027	January 26, 1978	Quaalude 300	30
4	266028	January 26, 1978	Obetrol 20	60
5	266752	February 8, 1978	Eskatrol Spans	15
6	267729	February 23, 1978	Obetrol 20	30
7	267728	February 23, 1978	Quaalude 300	30
8	269611	March 28, 1978	Quaalude 300	30
9	269610	March 28, 1978	Obetrol 20	30
10	271457	April 28, 1978	Quaalude 300	30
11	271456	April 28, 1978	Obetrol 20	30
12	272597	May 18, 1978	Obetrol 20	30
13	274126	June 20, 1978	Quaalude 300	30
14	274125	June 20, 1978	Desoxyn Grad	30
15	274825	July 11, 1978	Obetrol 20	30
16	274826	July 11, 1978	Quaalude 300	30
17	275637	August 1, 1978	Obetrol 20	30
18	276264	August 22, 1978	Obetrol 20	30
19	276263	August 22, 1978	Quaalude 300	30
20	277087	September 14, 1978	Quaalude 300	30
21	277088	September 14, 1978	Quaalude 300	30
22	277088	September 14, 1978	Obetrol 20	30
23	278001	October 5, 1978	Obetrol 20	30
24	278002	October 5, 1978	Quaalude 300	30
25	278916	October 26, 1978	Obetrol 20	30
26	278915	October 26, 1978	Quaalude 300	30
27	279758	November 16, 1978	Quaalude 300	40

	Prescription Number	Date	Drug	Quantity
1				
2	279759	November 16, 1978	Obetrol 20	30
3	281029	December 14, 1978	Obetrol 20	30
4	281030	December 14, 1978	Quaalude 300	30
5	E. Patient Paul S. [REDACTED]			
6	267434	February 17, 1978	Biphetamine 20	30
7	268836	March 14, 1978	Quaalude 300	30
8	268835	March 14, 1978	Biphetamine 20	30
9	270029	April 3, 1978	Quaalude 300	30
10	270028	April 3, 1978	Biphetamine 20	30
11	272375	May 15, 1978	Quaalude 300	30
12	272374	May 15, 1978	Biphetamine 20	30
13	273479	June 6, 1978	Quaalude 300	30
14	273478	June 6, 1978	Biphetamine 20	30
15	274282	June 26, 1978	Quaalude 300	30
16	274281	June 26, 1978	Biphetamine 20	30
17	275301	July 21, 1978	Biphetamine 20	30
18	275302	July 21, 1978	Quaalude 300	30
19	276374	August 24, 1978	Biphetamine 20	30
20	276375	August 24, 1978	Quaalude 300	30
21	277065	September 12, 1978	Biphetamine 20	30
22	277066	September 12, 1978	Quaalude 300	30
23	277581	September 26, 1978	Quaalude 300	20
24	277582	September 26, 1978	Biphetamine 20	30
25	278447	October 16, 1978	Biphetamine 20	30
26	278448	October 16, 1978	Quaalude 300	30
27				

	Prescription Number	Date	Drug	Quantity
1				
2	279450	November 9, 1978	Biphetamine 20	30
3	279451	November 9, 1978	Quaalude 300	30
4	280611	December 6, 1978	Biphetamine 20	30
5	280612	December 6, 1978	Quaalude 300	30
6	F. <u>Patient Barb R</u> [REDACTED]			
7	265649	January 20, 1978	Biphetamine 20	30
8	265650	January 20, 1978	Quaalude 300	30
9	267823	February 17, 1978	Biphetamine 20	30
10	268994	March 17, 1978	Quaalude 300	30
11	268993	March 17, 1978	Biphetamine 20	30
12	271503	April 28, 1978	Quaalude 300	30
13	271502	April 28, 1978	Biphetamine 20	30
14	277636	May 16, 1978	Biphetamine 20	30
15	277635	May 16, 1978	Quaalude 300	30
16	274148	June 22, 1978	Quaalude 300	30
17	274147	June 22, 1978	Biphetamine 20	30
18	275263	July 21, 1978	Biphetamine 20	30
19	275264	July 21, 1978	Quaalude 300	30
20	276592	August 28, 1978	Biphetamine 20	30
21	276593	August 28, 1978	Quaalude 300	30
22	277488	September 22, 1978	Biphetamine 20	30
23	277489	September 22, 1978	Quaalude 300	30
24	278341	October 13, 1978	Biphetamine 20	30
25	278342	October 13, 1978	Quaalude 300	30
26	278987	October 27, 1978	Biphetamine	30
27	278988	October 27, 1978	Quaalude 300	30

	Prescription Number	Date	Drug	Quantity
1				
2	279805	November 17, 1978	Biphetamine 20	30
3	279806	November 17, 1978	Quaalude 300	30
4	281076	December 14, 1978	Quaalude 300	40
5	G. <u>Patient Barb R</u>			
6	266356	January 31, 1978	Quaalude 300	30
7	269004	March 17, 1978	Quaalude 300	30
8	269003	March 17, 1978	Desoxyn Grad. 15	30
9	270638	April 13, 1978	Quaalude 300	20
10	270637	April 13, 1978	Desoxyn Grad. 15	30
11	273292	June 2, 1978	Desoxyn Grad. 15	20
12	274143	June 22, 1978	Quaalude 300	20
13	274142	June 22, 1978	Desoxyn Grad. 15	20
14	274729	July 10, 1978	Desoxyn Grad. 15	20
15	274728	July 10, 1978	Quaalude 300	20
16	276255	August 22, 1978	Desoxyn Grad. 15	30
17	276254	August 22, 1978	Quaalude 300	30
18	277159	September 15, 1978	Quaalude 300	20
19	277158	September 15, 1978	Desoxyn Grad. 15	20
20	278011	October 5, 1978	Desoxyn Grad. 15	30
21	278012	October 5, 1978	Quaalude 300	30
22	278894	October 26, 1978	Quaalude 300	20
23	278893	October 26, 1978	Desoxyn Grad. 15	20
24	279539	November 10, 1978	Desoxyn Grad. 15	20
25	279538	November 10, 1978	Quaalude 300	20
26				
27				

	Prescription Number	Date	Drug	Quantity
1				
2	280162	November 27, 1978	Quaalude 300	20
3	280161	November 27, 1978	Desoxyn Grad. 15	30
4	H.	<u>Patient Robert S. [REDACTED]</u>		
5	265603	January 19, 1978	Desoxyn Grad. 15	30
6	267541	February 21, 1978	Quaalude 300	30
7	267540	February 21, 1978	Biphetamine 20	30
8	269160	March 20, 1978	Quaalude 300	30
9	269159	March 20, 1978	Biphetamine 20	30
10	270769	April 14, 1978	Quaalude 300	30
11	272347	May 15, 1978	Quaalude 300	20
12	272346	May 15, 1978	Eskatrol	30
13	273908	June 16, 1978	Biphetamine 20	30
14	273909	June 16, 1978	Quaalude 300	30
15	274955	July 14, 1978	Quaalude 300	30
16	274954	July 14, 1978	Eskatrol	30
17	276348	August 24, 1978	Quaalude 300	30
18	276347	August 24, 1978	Biphetamine 20	30
19	277468	September 22, 1978	Quaalude 300	30
20	277467	September 22, 1978	Eskatrol	30
21	278682	October 20, 1978	Quaalude 300	30
22	278681	October 20, 1978	Eskatrol	30
23	279815	November 17, 1978	Quaalude 300	20
24	279814	November 17, 1978	Eskatrol	30
25	I.	<u>Patient Mike H. [REDACTED]</u>		
26	273949	June 15, 1978	Quaalude 300	20
27	274210	June 22, 1978	Desoxyn Grad. 15	20

	Prescription Number	Date	Drug	Quantity
1				
2	274644	July 6, 1978	Quaalude 300	20
3	276256	August 21, 1978	Quaalude 300	20
4	276257	August 21, 1978	Desoxyn Grad. 15	20
5	277408	September 21, 1978	Desoxyn Grad. 15	20
6	277409	September 21, 1978	Quaalude 300	20
7	276780	September 5, 1978	Desoxyn Grad. 15	20
8	276779	September 5, 1978	Quaalude 300	20
9	278079	October 6, 1978	Desoxyn Grad. 15	20
10	278080	October 6, 1978	Quaalude 300	20
11	278733	October 20, 1978	Desoxyn Grad. 15	20
12	278734	October 20, 1978	Quaalude 300	20
13	279443	November 9, 1978	Desoxyn Grad. 15	20
14	279444	November 9, 1978	Quaalude 300	20
15	280421	November 28, 1978	Desoxyn Grad. 15	20
16	280284	November 28, 1978	Quaalude 300	30
17	J. <u>Patient Pam W</u>			
18	274807	July 11, 1978	Desoxyn Grad. 15	20
19	274808	July 11, 1978	Quaalude 300	20
20	275627	August 1, 1978	Desoxyn Grad. 15	20
21	276909	September 8, 1978	Desoxyn Grad. 15	20
22	276910	September 8, 1978	Quaalude 300	20
23	277608	September 26, 1978	Quaalude 300	20
24	277607	September 26, 1978	Desoxyn Grad. 15	20
25	278486	October 17, 1978	Desoxyn Grad. 15	20
26	278485	October 17, 1978	Quaalude 300	20
27		/		



	Prescription Number	Date	Drug	Quantity
1				
2	279288	November 6, 1978	Quaalude 300	20
3	279287	November 6, 1978	Desoxyn Grad. 15	20
4	280158	November 27, 1978	Quaalude 300	20
5	280157	November 27, 1978	Desoxyn Grad. 15	20
6	280924	December 12, 1978	Desoxyn Grad. 15	20
7	280923	December 12, 1978	Quaalude 300	20
8	K. <u>Patient Sheila W</u> [REDACTED]			
9	274158	June 22, 1978	Eskatrol Spans	30
10	274646	July 6, 1978	Quaalude 300	20
11	274645	July 6, 1978	Eskatrol Spans	20
12	276291	August 22, 1978	Eskatrol	30
13	276290	August 22, 1978	Quaalude 300	20
14	277442	September 22, 1978	Quaalude 300	20
15	277441	September 22, 1978	Eskatrol	20
16	278723	October 19, 1978	Quaalude 300	20
17	278722	October 19, 1978	Eskatrol	20
18	280276	November 28, 1978	Quaalude 300	20
19	280275	November 28, 1978	Eskatrol	20
20	280982	December 11, 1978	Eskatrol	20
21	L. <u>Patient Jolly C</u> [REDACTED]			
22	265735	January 20, 1978	Obetrol 20	30
23	267309	February 15, 1978	Obetrol 20	30
24	275860	August 8, 1978	Obetrol 20	30
25		/		
26		/		
27		/		

1 M. The list of patients and prescription data  
2 thereto appertaining set forth hereinabove at  
3 paragraph 5 is incorporated herein by reference as  
4 though set forth at length.

5 9. Section 2391.5 of the code provides, in pertinent  
6 part, that the violation of any statute of this state regulating  
7 controlled substances, constitutes unprofessional conduct.

8 10. Section 11154 of the California Health and Safety  
9 Code provides that except in the regular practice of his profession,  
10 no person shall prescribe, administer, dispense or furnish a  
11 controlled substance to or for any person who is not under his  
12 treatment for a pathology or condition other than addiction to  
13 a controlled substance.

14 11. Section 11007, subdivision (b), and section 11150.5  
15 of the Health and Safety Code provide, in pertinent part, that  
16 a controlled substance as the term is used in section 11154 of  
17 the Health and Safety Code means any drug, substance or immediate  
18 precursor which is included in one of the five schedules con-  
19 tained in the Federal Controlled Substances Act (Title II,  
20 P.L. 91-513).

21 12. Quaalude, Biphedamine, Eskatrol, Dexedrine, Obetrol  
22 and Desoxyn are controlled substances within the meaning of  
23 Health and Safety Code sections 11154, 11007 and 11150.5 in that  
24 they are schedule II controlled substances as defined in title 21  
25 Code of Federal Regulations, section 1308.12.

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27 /

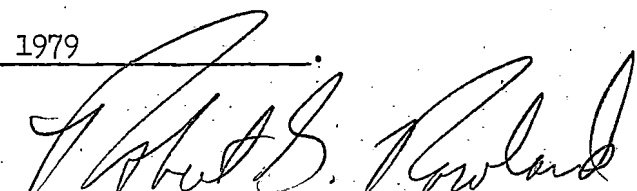
13. Respondent is further subject to discipline pursuant to the provisions of section 2391.5 of the code in that respondent has violated state statutes regulating controlled substances by prescribing Quaalude, Biphedamine, Eskatrol, D Dexedrine, Obetrol and Desoxyn to persons not under his treatment for a pathology or condition other than addiction to a controlled substance in the instances alleged in paragraph 8, hereinabove, in violation of section 11154 of the Health and Safety Code.

WHEREFORE, complainant requests that a hearing be held on the matters alleged hereinabove, and that following said hearing the board issue a decision:

1. Revoking or suspending license number C-10477 heretofore issued to S. Herbert Handler, M.D., by the board; and

2. Taking such other and further action as the board deems proper.

DATED: June 12, 1979

  
ROBERT G. ROWLAND  
Executive Director  
Board of Medical Quality Assurance  
State of California

Complainant

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